

107TH CONGRESS
1ST SESSION

H. R. 2377

To require criminal background checks on all firearms transactions occurring at events that provide a venue for the sale, offer for sale, transfer, or exchange of firearms, and to provide additional resources for gun crime enforcement.

IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 2001

Mr. CASTLE (for himself, Mrs. MCCARTHY of New York, Mr. KIRK, Mr. MOORE, Mrs. TAUSCHER, Mr. SHAYS, Mr. ABERCROMBIE, Mr. ANDREWS, Mr. BARRETT of Wisconsin, Mr. BERMAN, Mr. BLUMENAUER, Mr. BORSKI, Mrs. CAPPS, Mr. CAPUANO, Ms. CARSON of Indiana, Mr. COYNE, Mr. CROWLEY, Mrs. MORELLA, Mrs. DAVIS of California, Mr. DAVIS of Illinois, Mr. DOOLEY of California, Mr. ENGEL, Mr. FERGUSON, Mr. EVANS, Mr. FARR of California, Mr. FILNER, Mr. FRANK, Mr. GUTIERREZ, Ms. HARMAN, Mr. HOFFEL, Ms. HOOLEY of Oregon, Mr. SMITH of New Jersey, Mr. HORN, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mrs. JOHNSON of Connecticut, Ms. SCHAKOWSKY, Mr. LANGEVIN, Mr. LANTOS, Mr. LARSON of Connecticut, Mr. LIPINSKI, Mrs. LOWEY, Mrs. MALONEY of New York, Mr. MARKEY, Ms. MCCOLLUM, Mr. MEEHAN, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mrs. MINK of Hawaii, Mr. MORAN of Virginia, Mr. NADLER, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. PASTOR, Mr. PAYNE, Ms. RIVERS, Ms. SANCHEZ, Mr. SCHIFF, Mr. SHERMAN, Ms. SOLIS, Mr. TIERNEY, Mr. TOWNS, Mrs. JONES of Ohio, Ms. VELÁZQUEZ, Mr. WEXLER, Ms. WOOLSEY, and Mr. WYNN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To require criminal background checks on all firearms transactions occurring at events that provide a venue for the sale, offer for sale, transfer, or exchange of firearms,

and to provide additional resources for gun crime enforcement.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Gun Show Loophole
 5 Closing and Gun Law Enforcement Act of 2001”.

6 **TITLE I—GUN SHOW LOOPHOLE**
 7 **CLOSING ACT OF 2001**

8 **SEC. 101. SHORT TITLE.**

9 This title may be cited as the “Gun Show Loophole
 10 Closing Act of 2001”.

11 **SEC. 102. DEFINITIONS.**

12 Section 921(a) of title 18, United States Code, is
 13 amended by adding at the end the following:

14 “(35) SPECIAL FIREARMS EVENT.—The term ‘special
 15 firearms event’—

16 “(A) means any event at which 75 or more fire-
 17 arms are offered or exhibited for sale or exchange,
 18 if 1 or more of the firearms has been shipped or
 19 transported in, or otherwise affects, interstate or
 20 foreign commerce; and

21 “(B) does not include an offer or exhibit of fire-
 22 arms for sale or exchange by an individual from the
 23 personal collection of that individual, at the private

1 residence of that individual, if the individual is not
2 required to be licensed under sections 923 and 931.

3 “(36) SPECIAL FIREARMS EVENT FREQUENT OPER-
4 ATOR.—The term ‘special firearms event frequent oper-
5 ator’ means any person who operates 2 or more special
6 firearms events in a 6 month period.

7 “(37) SPECIAL FIREARMS EVENT INFREQUENT OPER-
8 ATOR.—The term ‘special firearms event infrequent oper-
9 ator’ means any person who operates not more than 1 spe-
10 cial firearms event in a 6 month period.

11 “(38) SPECIAL FIREARMS EVENT LICENSEE.—The
12 term ‘special firearms event licensee’ means any person
13 who has obtained and holds a valid license in compliance
14 with section 931(d) and who is authorized to contact the
15 national instant criminal background check system on be-
16 half of another individual who is not licensed under this
17 chapter for the purpose of conducting a background check
18 for a potential firearms transfer at a special firearms
19 event in accordance with section 931(c).

20 “(39) SPECIAL FIREARMS EVENT VENDOR.—The
21 term ‘special firearms event vendor’ means any person
22 who is not required to be licensed under section 923, who
23 exhibits, sells, offers for sale, transfers, or exchanges 1
24 or more firearms at a special firearms event, regardless
25 of whether or not the person arranges with the special fire-

1 arms event promoter for a fixed location from which to
 2 exhibit, sell, offer for sale, transfer, or exchange 1 or more
 3 firearms.”.

4 **SEC. 103. REGULATION OF FIREARMS TRANSFERS AT SPE-**
 5 **CIAL FIREARMS EVENTS.**

6 (a) IN GENERAL.—Chapter 44 of title 18, United
 7 States Code, is amended by adding at the end the fol-
 8 lowing:

9 **“§ 931. Regulation of firearms transfers at special**
 10 **firearms events**

11 **“(a) SPECIAL FIREARMS EVENT OPERATORS.—**

12 **“(1) REGISTRATION OF SPECIAL FIREARMS**
 13 **EVENT OPERATORS.—**

14 **“(A) IN GENERAL.—**It shall be unlawful
 15 for any person to operate a special firearms
 16 event unless that person registers with the Sec-
 17 retary in accordance with regulations promul-
 18 gated by the Secretary.

19 **“(B) FEES.—**The Secretary shall be pro-
 20 hibited from imposing or collecting any fee from
 21 special firearms event operators in connection
 22 with the registration requirement in subpara-
 23 graph (A).

24 **“(2) RESPONSIBILITIES OF SPECIAL FIREARMS**
 25 **EVENTS FREQUENT OPERATORS.—**It shall be unlaw-

1 ful for a special firearms events frequent operator to
2 organize, plan, promote, or operate a special fire-
3 arms event unless that operator—

4 “(A) has an annual operating license for
5 special firearms events frequent operators
6 issued by the Secretary pursuant to regulations
7 promulgated by the Secretary;

8 “(B) not later than 30 days before com-
9 mencement of the special firearms event, noti-
10 fies the Secretary of the date, time, duration,
11 and location of the special firearms event, the
12 special firearms event vendors planning to par-
13 ticipate, and any other information concerning
14 the special firearms event as the Secretary may
15 require by regulation;

16 “(C) not later than 72 hours before com-
17 mencement of the special firearms event, sub-
18 mits to the Secretary an updated list of all spe-
19 cial firearms event vendors planning to partici-
20 pate, and any other information concerning
21 such vendors as the Secretary may require by
22 regulation;

23 “(D) before commencement of the special
24 firearms event, or in the case of a vendor who
25 arrives after the commencement of the event,

1 upon the arrival of the vendor, verifies the iden-
2 tity of each special firearms event vendor par-
3 ticipating in the special firearms event by exam-
4 ining a valid identification document (as defined
5 in section 1028(d)(2)) of the vendor containing
6 a photograph of the vendor;

7 “(E) before commencement of the special
8 firearms event, or in the case of a vendor who
9 arrives after the commencement of the event,
10 upon the arrival of the vendor, requires each
11 special firearms event vendor to sign—

12 “(i) a ledger with identifying informa-
13 tion concerning the vendor; and

14 “(ii) a notice advising the vendor of
15 the obligations of the vendor under this
16 chapter;

17 “(F) notifies each person who attends the
18 special firearms event of the requirements of
19 this chapter, in accordance with such regula-
20 tions as the Secretary shall prescribe;

21 “(G) not later than 5 days after the last
22 day of the special firearms event, submits to the
23 Secretary a copy of the ledger and notice de-
24 scribed in subparagraph (E); and

1 “(H) maintains a copy of the records de-
2 scribed in subparagraphs (C) through (E) at
3 the permanent place of business of the operator
4 for such period of time and in such form as the
5 Secretary shall require by regulation.

6 “(3) RESPONSIBILITIES OF SPECIAL FIREARMS
7 EVENTS INFREQUENT OPERATORS.—It shall be un-
8 lawful for a special firearms event infrequent oper-
9 ator to organize, plan, promote, or operate a special
10 firearms event unless that person—

11 “(A) not later than 30 days before com-
12 mencement of the special firearms event, noti-
13 fies the Secretary of the date, time, duration,
14 and location of the special firearms event;

15 “(B) not later than 72 hours before com-
16 mencement of the special firearms event, sub-
17 mits to the Secretary a list of all special fire-
18 arms event vendors planning to participate in
19 the special firearms event and any other infor-
20 mation concerning such vendors as the Sec-
21 retary may require by regulation;

22 “(C) before commencement of the special
23 firearms event, or in the case of a vendor who
24 arrives after the commencement of the event,
25 upon the arrival of the vendor, verifies the iden-

1 tity of each special firearms event vendor par-
2 ticipating in the special firearms event by exam-
3 ining a valid identification document (as defined
4 in section 1028(d)(2)) of the vendor containing
5 a photograph of the vendor;

6 “(D) before commencement of the special
7 firearms event, or in the case of a vendor who
8 arrives after the commencement of the event,
9 upon the arrival of the vendor, requires each
10 special firearms event vendor to sign—

11 “(i) a ledger with identifying informa-
12 tion concerning the vendor; and

13 “(ii) a notice advising the vendor of
14 the obligations of the vendor under this
15 chapter;

16 “(E) notifies each person who attends the
17 special firearms event of the requirements of
18 this chapter, in accordance with such regula-
19 tions as the Secretary shall prescribe;

20 “(F) not later than 5 days after the last
21 day of the special firearms event, submits to the
22 Secretary a copy of the ledger and notice de-
23 scribed in subparagraph (D); and

24 “(G) maintains a copy of the records de-
25 scribed in subparagraphs (B) through (D) at

1 the permanent place of business of the special
2 firearms event promoter for such period of time
3 and in such form as the Secretary shall require
4 by regulation.

5 “(b) RESPONSIBILITIES OF TRANSFERORS OTHER
6 THAN LICENSEES.—

7 “(1) IN GENERAL.—If any part of a firearm
8 transaction takes place at a special firearms event,
9 or on the curtilage of the event, it shall be unlawful
10 for any person who is not licensed under this chap-
11 ter to transfer a firearm to another person who is
12 not licensed under this chapter, unless the firearm
13 is transferred through a licensed importer, licensed
14 manufacturer, licensed dealer, or a special firearms
15 event licensee in accordance with subsection (c).

16 “(2) CRIMINAL BACKGROUND CHECKS.—A per-
17 son who is subject to the requirement of paragraph
18 (1) shall not—

19 “(A) transfer the firearm to the transferee
20 until the licensed importer, licensed manufac-
21 turer, licensed dealer, or a special firearms
22 event licensee through which the transfer is
23 made makes the notification described in sub-
24 section (c)(2)(A); or

1 “(B) transfer the firearm to the transferee
2 if the person has been notified under subsection
3 (c)(2)(B) that the transfer would violate section
4 922 or would violate State law.

5 “(3) ABSENCE OF RECORDKEEPING REQUIRE-
6 MENTS.—Nothing in this section shall permit or au-
7 thorize the Secretary to impose recordkeeping re-
8 quirements on any nonlicensed special firearms event
9 vendor.

10 “(c) RESPONSIBILITIES OF LICENSEES.—A licensed
11 importer, licensed manufacturer, licensed dealer, or special
12 firearms event licensee who agrees to assist a person who
13 is not licensed under this chapter in carrying out the re-
14 sponsibilities of that person under subsection (b) with re-
15 spect to the transfer of a firearm shall—

16 “(1) except as provided in paragraph (2), com-
17 ply with section 922(t) as if transferring the firearm
18 from the inventory of the licensed importer, licensed
19 manufacturer, or licensed dealer to the designated
20 transferee (although a licensed importer, licensed
21 manufacturer, or licensed dealer complying with this
22 subsection shall not be required to comply again
23 with the requirements of section 922(t) in delivering
24 the firearm to the nonlicensed transferor);

1 “(2) not later than 3 business days (meaning a
2 day on which State offices are open), or if the event
3 is held in a State that has been certified by the At-
4 torney General under section 104 of the Gun Show
5 Loophole Closing Act of 2001, not later than 24
6 hours (or 3 business days if additional information
7 is required in order to verify disqualifying informa-
8 tion from a State that has not been certified by the
9 Attorney General) notify the nonlicensed transferor
10 and the nonlicensed transferee—

11 “(A) of any response from the national
12 criminal background check system, or if the li-
13 censee has had no response from the national
14 criminal background check system within the
15 time period set forth in paragraph (2), notify
16 the nonlicensed transferor that no response has
17 been received and that the transfer may pro-
18 ceed; and

19 “(B) of any receipt by the licensed im-
20 porter, licensed manufacturer, or licensed dealer
21 of a notification from the national instant
22 criminal background check system that the
23 transfer would violate section 922 or would vio-
24 late State law;

1 “(3) in the case of a transfer at 1 time or dur-
2 ing any 5 consecutive business days, 2 or more pis-
3 tols or revolvers, or any combination of pistols and
4 revolvers totaling 2 or more, to the same nonlicensed
5 person, in addition to the reports required under
6 paragraph (4), prepare a report of the multiple
7 transfers, which report shall be—

8 “(A) on a form specified by the Secretary;
9 and

10 “(B) not later than the close of business
11 on the date on which the multiple transfer oc-
12 curs, forwarded to—

13 “(i) the office specified on the form
14 described in subparagraph (A); and

15 “(ii) the appropriate State law en-
16 forcement agency of the jurisdiction in
17 which the transfer occurs; and

18 “(4) comply with all record keeping require-
19 ments under this chapter.

20 “(d) SPECIAL FIREARMS EVENT LICENSE.—

21 “(1) IN GENERAL.—The Secretary shall issue a
22 special firearms event license to a person who sub-
23 mits an application for a special firearms event li-
24 cense in accordance with this subsection.

1 “(2) APPLICATION.—The application required
2 by paragraph (1) shall be approved if—

3 “(A) the applicant is 21 years of age or
4 over;

5 “(B) the application includes a photograph
6 and the fingerprints of the applicant;

7 “(C) the applicant (including, in the case
8 of a corporation, partnership, or association,
9 any individual possessing, directly or indirectly,
10 the power to direct or cause the direction of the
11 management and policies of the corporation,
12 partnership, or association) is not prohibited
13 from transporting, shipping, or receiving fire-
14 arms or ammunition in interstate or foreign
15 commerce under subsection (g) or (n) of section
16 922;

17 “(D) the applicant has not willfully vio-
18 lated any of the provisions of this chapter or
19 regulations issued thereunder;

20 “(E) the applicant has not willfully failed
21 to disclose any material information required,
22 or has not made any false statement as to any
23 material fact, in connection with his application;
24 and

25 “(F) the applicant certifies that—

1 “(i) the applicant meets the require-
2 ments of subparagraphs (A) through (D)
3 of section 923(d)(1);

4 “(ii) the business to be conducted
5 under the license is not prohibited by State
6 or local law in the place where the licensed
7 premises is located; and

8 “(iii) the business will not be con-
9 ducted under the license until the require-
10 ments of State and local law applicable to
11 the business have been met.

12 “(3) APPLICATION AND APPROVAL.—

13 “(A) IN GENERAL.—On approval of an ap-
14 plication as provided in this subsection and pay-
15 ment by the applicant of a fee of \$200 for 3
16 years, and upon renewal of valid registration a
17 fee of \$90 for 3 years, the Secretary shall issue
18 to the applicant an instant check registration,
19 and advise the Attorney General of that reg-
20 istration.

21 “(B) NICS.—A special firearms licensee
22 may contact the national instant criminal back-
23 ground check system established under section
24 103 of the Brady Handgun Violence Prevention
25 Act (18 U.S.C. 922 note) for information about

1 any individual desiring to obtain a firearm at a
2 gun show from any special firearms event ven-
3 dor who has requested the assistance of the reg-
4 istrant in complying with subsection (c) with re-
5 spect to the transfer of the firearm, during the
6 3-year period that begins with the date the reg-
7 istration is issued.

8 “(4) REQUIREMENTS.—The requirements for a
9 special firearms event licensee shall not exceed the
10 requirements for a licensed dealer and the record
11 keeping requirements shall be the same.

12 “(5) RESTRICTIONS.—

13 “(A) BACKGROUND CHECKS.—A special
14 firearms event licensee may have access to the
15 national instant criminal background check sys-
16 tem to conduct a background check only at a
17 special firearms event and only on behalf of an-
18 other person.

19 “(B) TRANSFER OF FIREARMS.—A special
20 firearms event licensee shall not transfer a fire-
21 arm at a special firearms event.

22 “(e) FIREARM TRANSACTION DEFINED.—In this sec-
23 tion, the term ‘firearm transaction’—

24 “(1) includes the sale, offer for sale, transfer,
25 or exchange of a firearm; and

1 “(2) does not include—

2 “(A) the mere exhibition of a firearm; or

3 “(B) the sale, transfer, or exchange of fire-
4 arms between immediate family, including par-
5 ents, children, siblings, grandparents, and
6 grandchildren.”.

7 (b) PENALTIES.—Section 924(a) of title 18, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

10 “(7)(A)(i) Whoever knowingly violates section
11 931(a)(1) shall be—

12 “(I) fined under this title, imprisoned not more
13 than 2 years, or both; and

14 “(II) in the case of a second or subsequent con-
15 viction, such person shall be fined under this title,
16 imprisoned not more than 5 years, or both.

17 “(ii) Whoever knowingly violates section 931(a)(2)
18 shall be fined under this title, imprisoned not more than
19 5 years, or both.

20 “(iii) Whoever knowingly violates section 931(a)(3)
21 shall be fined under this title, imprisoned not more than
22 2 years, or both.

23 “(B) Whoever knowingly violates section 931(b) shall
24 be—

1 “(i) fined under this title, imprisoned not more
2 than 2 years, or both; and

3 “(ii) in the case of a second or subsequent con-
4 viction, such person shall be fined under this title,
5 imprisoned not more than 5 years, or both.

6 “(C) Whoever knowingly violates section 931(c) shall
7 be fined under this title, imprisoned not more than 5
8 years, or both.

9 “(D) In addition to any other penalties imposed
10 under this paragraph, the Secretary may, with respect to
11 any person who violates any provision of section 931—

12 “(i) if the person is registered pursuant to sec-
13 tion 931(a), after notice and opportunity for a hear-
14 ing, suspend for not more than 6 months or revoke
15 the registration of that person under section 931(a);
16 and

17 “(ii) impose a civil fine in an amount equal to
18 not more than \$10,000.”.

19 (c) CONFORMING AMENDMENT.—Section 922(b) of
20 title 18, United States Code, is amended in the matter
21 preceding paragraph (1) by striking “or licensed collector”
22 and inserting “licensed collector, or special firearms event
23 licensee”.

1 (d) CLERICAL AMENDMENT.—Chapter 44 of title 18,
 2 United States Code, is amended in the chapter analysis
 3 by adding at the end the following:

“931. Regulation of firearms transfers at special firearms events.”.

4 **SEC. 104. OPTION FOR 24-HOUR BACKGROUND CHECKS AT**
 5 **SPECIAL FIREARMS EVENTS FOR STATES**
 6 **WITH COMPUTERIZED DISQUALIFYING**
 7 **RECORDS AND PROGRAMS TO IMPROVE**
 8 **STATE DATABASES.**

9 (a) OPTION FOR 24-HOUR REQUIREMENT.—

10 (1) IN GENERAL.—Effective 3 years after the
 11 date of enactment of this Act, a State may apply to
 12 the Attorney General for certification of the 24-hour
 13 verification authority of that State.

14 (2) CERTIFICATION.—The Attorney General
 15 shall certify a State for 24-hour verification author-
 16 ity only upon a clear showing by the State that not
 17 less than 95 percent of all records containing infor-
 18 mation that would disqualify an individual under
 19 subsections (g) and (n) of section 922 of title 18,
 20 United States Code, or under State law, is available
 21 on computer records in the State, and is searchable
 22 under the national instant criminal background
 23 check system established under section 103 of the
 24 Brady Handgun Violence Prevention Act (18 U.S.C.
 25 922 note).

1 (3) DISQUALIFYING INFORMATION.—Such dis-
2 qualifying information shall include, at a minimum,
3 the disqualifying records for that State going back
4 30 years from the date of application to the Attor-
5 ney General for certification.

6 (4) 24-HOUR PROVISION.—Upon certification by
7 the Attorney General, the 24-hour provision in sec-
8 tion 931(c)(2) of title 18, United States Code, shall
9 apply to the verification process (for transfers be-
10 tween unlicensed persons) in that State unless addi-
11 tional information is required in order to verify dis-
12 qualifying information from a State that has not
13 been certified by the Attorney General, in which case
14 the 3 business day limit shall apply.

15 (5) ANNUAL REVIEW.—The Attorney General
16 shall annually review and revoke for any State not
17 in compliance the certification required in the
18 amendment made by paragraph (1).

19 (b) PRIORITY.—The Attorney General shall give pri-
20 ority to background check requests at special firearms
21 events made pursuant to section 931 of title 18, United
22 States Code, as added by this Act.

23 (c) STUDY.—Not later than 180 days after the date
24 of enactment of this Act, the Attorney General shall iden-
25 tify and report to Congress the reasons for delays in back-

1 ground checks at the Federal and State levels and include
2 recommendations for eliminating those delays.

3 (d) GRANT PROGRAM.—

4 (1) IN GENERAL.—The Attorney General is au-
5 thorized to make grants to States with the intent
6 that these funds are used by the counties, cities, and
7 villages within that State to assist in the comput-
8 erization of the criminal conviction records and other
9 disqualifying records of that State and with other
10 issues facing States that want to apply for certifi-
11 cation under section 104(a) of this title.

12 (2) AUTHORIZATION.—

13 (A) IN GENERAL.—There are authorized to
14 be appropriated for fiscal years 2003 and 2004,
15 \$70,000,000 for the improvement of the na-
16 tional instant criminal background check sys-
17 tem established pursuant to section 103 of the
18 Brady Handgun Violence Prevention Act (18
19 U.S.C. 922 note), including improvements with
20 respect to the records specified in subparagraph
21 (B) of this paragraph, and especially records of
22 domestic violence incidents, including felony
23 and misdemeanor convictions for crimes of do-
24 mestic violence and restraining orders with re-

1 spect to such incidents, and mental health
2 records.

3 (B) RECORDS INCLUDED.—The records re-
4 ferred to in subparagraph (A) of this paragraph
5 are the records described in paragraphs (1),
6 (2), and (3) of section 509(b) of the Omnibus
7 Crime Control and Safe Streets Act of 1968
8 (42 U.S.C. 3759(b)).

9 **SEC. 105. INSPECTION AUTHORITY.**

10 Section 923(g)(1)(B) of title 18, United States Code,
11 is amended by striking “or licensed dealer” and inserting
12 “licensed dealer, or special firearms event operator”.

13 **SEC. 106. INCREASED PENALTIES FOR SERIOUS RECORD-**
14 **KEEPING VIOLATIONS BY LICENSEES.**

15 Section 924(a)(3) of title 18, United States Code, is
16 amended to read as follows:

17 “(3)(A) Except as provided in subparagraph (B), any
18 licensed dealer, licensed importer, licensed manufacturer,
19 licensed collector, or special firearms event licensee who
20 knowingly makes any false statement or representation
21 with respect to the information required by this chapter
22 to be kept in the records of a person licensed under this
23 chapter, or violates section 922(m) shall be fined under
24 this title, imprisoned not more than 1 year, or both.

1 “(B) If the violation described in subparagraph (A)
2 is in relation to an offense—

3 “(i) under paragraph (1) or (3) of section
4 922(b), such person shall be fined under this title,
5 imprisoned not more than 5 years, or both; or

6 “(ii) under subsection (a)(6) or (d) of section
7 922, such person shall be fined under this title, im-
8 prisoned not more than 10 years, or both.”.

9 **SEC. 107. INCREASED PENALTIES FOR VIOLATIONS OF**
10 **CRIMINAL BACKGROUND CHECK REQUIRE-**
11 **MENTS.**

12 Section 924(a) of title 18, United States Code, is
13 amended—

14 (1) in paragraph (5), by striking “subsection
15 (s) or (t) of section 922” and inserting “section
16 922(s)”; and

17 (2) by adding at the end the following:

18 “(8) Whoever knowingly violates section 922(t) shall
19 be fined under this title, imprisoned not more than 5
20 years, or both.”.

21 **SEC. 108. RULE OF INTERPRETATION.**

22 A provision of State law is not inconsistent with this
23 title or an amendment made by this title if the provision
24 imposes a regulation or prohibition of greater scope or a

1 penalty of greater severity than any prohibition or penalty
2 imposed by this title or an amendment made by this title.

3 **SEC. 109. EFFECTIVE DATE.**

4 This title and the amendments made by this title
5 shall take effect 180 days after the date of enactment of
6 this Act.

7 **TITLE II—GUN LAW**
8 **ENFORCEMENT ACT OF 2001**

9 **SEC. 201. SHORT TITLE.**

10 This title may be cited as the “Gun Law Enforcement
11 Act of 2001”.

12 **SEC. 202. STATE AND LOCAL GUN CRIME PROSECUTORS.**

13 (a) PURPOSE.—The purpose of this section is to—

14 (1) provide funding for State and local prosecu-
15 tors to focus on gun prosecutions in high gun crime
16 areas; and

17 (2) double funding for such programs from fis-
18 cal year 2001 to 2002.

19 (b) AUTHORIZATION.—There are authorized to be ap-
20 propriated \$150,000,000 for fiscal year 2002 to the Attor-
21 ney General to provide grants to States and units of local
22 government to support prosecutions in high gun crime
23 areas by State and local prosecutors.

1 **SEC. 203. AUTHORIZATION OF FUNDING FOR ADDITIONAL**
2 **FEDERAL FIREARMS PROSECUTORS AND**
3 **GUN ENFORCEMENT TEAMS.**

4 (a) PURPOSE.—The Attorney General shall hire 114
5 additional Federal prosecutors to assist in comprehensive
6 firearm law enforcement strategies.

7 (b) AUTHORIZATION.—There are authorized to be ap-
8 propriated \$20,000,000 for fiscal year 2002 to the Attor-
9 ney General for the purpose of hiring 114 additional Fed-
10 eral firearms prosecutors.

11 **SEC. 204. FUNDING FOR ADDITIONAL ATF AGENTS.**

12 There are authorized to be appropriated \$18,000,000
13 for fiscal year 2002 to the Secretary of the Treasury for
14 the purpose of funding the hiring of an additional 200
15 agents for the Bureau of Alcohol, Tobacco, and Firearms.

16 **SEC. 205. GUN TRACING AND YOUTH CRIME GUN INTERDIC-**
17 **TION.**

18 There are authorized to be appropriated \$20,000,000
19 for fiscal years 2002 through 2005 to the Secretary of
20 the Treasury for the purpose of—

21 (1) funding additional resources for the Bureau
22 of Alcohol, Tobacco, and Firearms to trace guns in-
23 volved in gun crimes; and

24 (2) expanding the Youth Crime Gun Interdic-
25 tion Initiative to 250 cities over the 4 years funding
26 is authorized.

1 **SEC. 206. SMART GUN TECHNOLOGY.**

2 There are authorized to be appropriated \$10,000,000
3 for fiscal year 2002 to the National Institute for Justice
4 for the purpose of making grants to research entities de-
5 veloping technologies that limit the use of a gun to the
6 owner.

7 **SEC. 207. REPORT ON BRADY ENFORCEMENT.**

8 Not later than February 1 of each year—

9 (1) the Attorney General shall report to
10 Congress—

11 (A) the number of prosecutions resulting
12 from background checks conducted pursuant to
13 the Brady Handgun Violence Prevention Act;

14 (B) what barriers exist to prosecutions
15 under that Act;

16 (C) what steps could be taken to maximize
17 prosecutions;

18 (D) on the effectiveness of the National In-
19 stant Check System in identifying disqualified
20 persons; and

21 (E) how effectively National Instant Check
22 System upgrade grants are being used by
23 States, counties, cities, and villages; and

24 (2) the Secretary of Treasury shall report to
25 Congress—

1 (A) the number of investigations conducted
2 pursuant to the Brady Handgun Violence Pre-
3 vention Act;

4 (B) the number of investigations initiated
5 but not pursued under that Act;

6 (C) the number of firearms retrieved as
7 transferred in contravention of that Act; and

8 (D) what barriers exist to investigations
9 under that Act.

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